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copy of the indicated document as  
referred or transmitted to committee.

Chief Clerk of the House

FILED JAN 06 2003

By: \_\_\_\_\_



H.J.R. No. 23

A JOINT RESOLUTION

1 proposing a constitutional amendment permitting refinancing of a  
2 home equity loan with a reverse mortgage.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 50(f), Article XVI, Texas Constitution,  
5 is amended to read as follows:

6 (f) A refinance of debt secured by the homestead, any  
7 portion of which is an extension of credit described by Subsection  
8 (a)(6) of this section, may not be secured by a valid lien against  
9 the homestead unless the refinance of the debt is an extension of  
10 credit described by Subsection (a)(6) or (a)(7) of this section.

11 SECTION 2. This proposed constitutional amendment shall be  
12 submitted to the voters at an election to be held November 4, 2003.  
13 The ballot shall be printed to permit voting for or against the  
14 proposition: "The constitutional amendment permitting refinancing  
15 of a home equity loan with a reverse mortgage."

# HOUSE COMMITTEE REPORT

1<sup>st</sup> Printing

By: Hochberg, Solomons

H.J.R. No. 23

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COMMITTEE REPORT

The Honorable Tom Craddick  
Speaker of the House of Representatives

3/31/03  
(date)

Sir:

We, your COMMITTEE ON FINANCIAL INSTITUTIONS  
to whom was referred HJR 23 have had the same under consideration and beg to report  
back with the recommendation that it

(✓) do pass, without amendment.  
( ) do pass, with amendment(s).  
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

(✓) yes ( ) no A fiscal note was requested.  
( ) yes (✓) no A criminal justice policy impact statement was requested.  
( ) yes (✓) no An equalized educational funding impact statement was requested.  
( ) yes (✓) no An actuarial analysis was requested.  
( ) yes (✓) no A water development policy impact statement was requested.  
( ) yes (✓) no A tax equity note was requested.  
( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_


Joint Sponsors: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Solomons, Chair	✓			
Christian, Vice-chair	✓			
Flynn	✓			
Gutierrez				✓
Hopson	✓			
Paxton	✓			
Wise				✓

Total      5      aye  
                 0      nay  
                 0      present, not voting  
                 2      absent

  
CHAIR

## **BILL ANALYSIS**

H.J.R. 23  
By: Hochberg  
Financial Institutions  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Home equity loans made in Texas can be refinanced but must remain home equity loans. In other words, they cannot be converted to "first mortgages" by the process of refinancing. This requirement assures that the constitutional consumer protections applicable to home equity loans are not circumvented by refinancing the loan.

However, this has the effect of preventing a home equity loan from being converted into a reverse mortgage. Like home equity loans, reverse mortgages have strong constitutional consumer protections, including a limit on the ability of a lender to foreclose on a homestead.

H.J.R. 23 amends the Texas Constitution to permit a home equity loan to be refinanced as a reverse mortgage.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.J.R. 23 amends Section 50(f), Article XVI, Texas Constitution to permit a borrower to refinance a home equity loan as a reverse mortgage.

### **FOR ELECTION**

The proposed constitutional amendment would be submitted to the voters at an election to be held November 4, 2003.

## SUMMARY OF COMMITTEE ACTION

HJR 23

March 24, 2003                      upon final adjourn./recess

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Considered in public hearing

Testimony taken in committee (See attached witness list.)

Left pending in committee

March 31, 2003                      upon final adjourn./recess

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Considered in public hearing

Reported favorably without amendment(s)

WITNESS LIST

HJR 23  
HOUSE COMMITTEE REPORT  
Financial Institutions Committee

March 24, 2003 - upon final adjourn./recess

For: Norman, Scott (Texas Reverse Mortgage Lenders)  
Stinson, Bill (Texas Association of Realtors)

On: Pettijohn, Leslie (Consumer Credit Commissioner)

Registering, but not testifying:

For: Carr, Mindy (Texas Land Title Association)  
Donohoe, Dan (Bank One Corp.)  
Neeley, Karen (Independent Bankers Association of Texas)  
Rodgers, Kelly (Texas Conference for Homeowners Rights)

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**February 23, 2003**

**TO:** Honorable Burt R. Solomons, Chair, House Committee on Financial Institutions

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HJR23** by Hochberg (Proposing a constitutional amendment permitting refinancing of a home equity loan with a reverse mortgage.), **As Introduced**

**No fiscal implication to the State is anticipated**, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary Of State, 450 Savings And Loan Department, 451 Department Of Banking, 466 Office Of Consumer Credit Commissioner

**LBB Staff:** JK, WP, JRO

4

F

# HOUSE ENGROSSMENT

By: Hochberg, Solomons

H.J.R. No. 23

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9 the homestead unless the refinance of the debt is an extension of  
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11 SECTION 2. This proposed constitutional amendment shall be  
12 submitted to the voters at an election to be held November 4, 2003.  
13 The ballot shall be printed to permit voting for or against the  
14 proposition: "The constitutional amendment permitting refinancing  
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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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**LBB Staff:** JK, WP, JRO

1-1 By: Hochberg, Solomons (Senate Sponsor - Carona) H.J.R. No. 23  
1-2 (In the Senate - Received from the House April 10, 2003;  
1-3 April 14, 2003, read first time and referred to Committee on  
1-4 Business and Commerce; May 21, 2003, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; May 21, 2003, sent to printer.)

1-6 HOUSE JOINT RESOLUTION

1-7 proposing a constitutional amendment permitting refinancing of a  
1-8 home equity loan with a reverse mortgage.

1-9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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1-13 portion of which is an extension of credit described by Subsection  
1-14 (a)(6) of this section, may not be secured by a valid lien against  
1-15 the homestead unless the refinance of the debt is an extension of  
1-16 credit described by Subsection (a)(6) or (a)(7) of this section.

1-17 SECTION 2. This proposed constitutional amendment shall be  
1-18 submitted to the voters at an election to be held November 4, 2003.  
1-19 The ballot shall be printed to permit voting for or against the  
1-20 proposition: "The constitutional amendment permitting refinancing  
1-21 of a home equity loan with a reverse mortgage."

1-22 \* \* \* \* \*

**FAVORABLE  
SENATE COMMITTEE REPORT ON**

SB   SCR   SJR   SR   HB   HCR   HJR   23  
By Senator Carona  
(Author/Senate Sponsor)  
5/21/03  
(date)

We, your Committee on BUSINESS AND COMMERCE, to which was referred the attached measure, have on May 20, 2003, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Troy Fraser, Chairman	<input checked="" type="checkbox"/>			
Senator Kip Averitt, Vice-Chairman	<input checked="" type="checkbox"/>			
Senator Ken Armbrister	<input checked="" type="checkbox"/>			
Senator Kim Brimer	<input checked="" type="checkbox"/>			
Senator Craig Estes	<input checked="" type="checkbox"/>			
Senator Mike Jackson	<input checked="" type="checkbox"/>			
Senator Eddie Lucio	<input checked="" type="checkbox"/>			
Senator Leticia Van de Putte	<input checked="" type="checkbox"/>			
Senator Tommy Williams	<input checked="" type="checkbox"/>			
TOTAL VOTES	9	0	0	0

**COMMITTEE ACTION**

☒ S260 Considered in public hearing

☒ S270 Testimony taken

Barbara Anderson  
COMMITTEE CLERK

Ty Fran  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files

WITNESS LIST

HJR 23

SENATE COMMITTEE REPORT

Business & Commerce

May 20, 2003 - 9:00AM

Registering, but not testifying:

FOR: Norman, Scott (Texas Association of Reverse Mortgage Lenders), Austin, TX

## **BILL ANALYSIS**

Senate Research Center  
78R2455 DWS-F

H.J.R. 23  
By: Hochberg (Carona)  
Business & Commerce  
5/2/2003  
Engrossed

### **DIGEST AND PURPOSE**

Home equity loans made in Texas can be refinanced but must remain home equity loans. In other words, they cannot be converted to "first mortgages" by the process of refinancing. This requirement assures that the constitutional consumer protections applicable to home equity loans are not circumvented by refinancing the loan.

However, this has the effect of preventing a home equity loan from being converted into a reverse mortgage. Like home equity loans, reverse mortgages have strong constitutional consumer protections, including a limit on the ability of a lender to foreclose on a homestead.

H.J.R. 23 requires the submission to the voters of an amendment to the Texas Constitution to permit a home equity loan to be refinanced as a reverse mortgage.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 50(f), Article XVI, Texas Constitution, to prohibit a refinance of debt secured by the homestead, any portion of which is an extension of credit described by Subsection (a)(6) of this section from being secured by a valid lien against the homestead unless the refinance of the debt is an extension of credit described by Subsection (a)(6) or (a)(7) of this section.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 2003. Requires the ballot be printed to permit voting for or against the proposition: "The constitutional amendment permitting refinancing of a home equity loan with a reverse mortgage."

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 18, 2003**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HJR23** by Hochberg (Proposing a constitutional amendment permitting refinancing of a home equity loan with a reverse mortgage.), **As Engrossed**

**No fiscal implication to the State is anticipated**, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State, 450 Savings and Loan Department, 451 Department of Banking,  
466 Office of Consumer Credit Commissioner

**LBB Staff:** JK, CL, WP, JRO

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**LBB Staff:** JK, WP, JRO

# REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN  
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HJR 23, by Senator Carona,  
(Bill No.) (Author/Sponsor)  
was heard by the Committee on Business & Commerce on \_\_\_\_\_, 2003,  
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Burlina Henderson  
(Clerk of the reporting committee)

**IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.**



**ADOPTED**

DNT

FLOOR AMENDMENT NO. 1

MAY 24 2003

*Atty Gen*  
Secretary of the Senate

BY: Caron A

- 1 Amend H.J.R. No. 23 in SECTION 2 of the resolution (Committee
- 2 printing page 1, line 18), by striking "November 4" and
- 3 substituting "September 13".

2

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

33 MAY 24 PM 5: 2  
HOUSE OF REPRESENTATIVE

By: Hochberg, Solomons

H.J.R. No. 23

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# ADOPTED

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Secretary of the Senate

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Austin, Texas

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**Austin, Texas**

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**LBB Staff:** JK, WP, JRO

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F

**ENROLLED**

H.J.R. No. 23

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10 credit described by Subsection (a)(6) or (a)(7) of this section.

11 SECTION 2. This proposed constitutional amendment shall be  
12 submitted to the voters at an election to be held September 13,  
13 2003. The ballot shall be printed to permit voting for or against  
14 the proposition: "The constitutional amendment permitting  
15 refinancing of a home equity loan with a reverse mortgage."

H.J.R. No. 23

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President of the Senate

---

Speaker of the House

I certify that H.J.R. No. 23 was passed by the House on April 9, 2003, by the following vote: Yeas 145, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.J.R. No. 23 on May 26, 2003, by the following vote: Yeas 135, Nays 0, 3 present, not voting.

---

Chief Clerk of the House

I certify that H.J.R. No. 23 was passed by the Senate, with amendments, on May 24, 2003, by the following vote: Yeas 30, Nays 0.

---

Secretary of the Senate

RECEIVED: \_\_\_\_\_

Date

---

Secretary of State

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.J.R. No. 23<sup>✓</sup>  
(1) was passed by the House

on April 9<sup>✓</sup>  
(2), 2003, by the following vote:

Yeas 145<sup>✓</sup>, Nays 0<sup>✓</sup>, 2 present, not voting  
(3) (4)

and that the House concurred in Senate amendments to H.J.R. No. 23  
on May 26  
(5), 2003, by the following

vote: Yeas 135<sup>✓</sup>, Nays 0<sup>✓</sup>, 3 present, not voting  
(6) (7)

\_\_\_\_\_  
Chief Clerk of the House

\*\*\*\* Preparation: CT19;

I certify that H.J.R. No. 23<sup>✓</sup>  
(1) was passed by the Senate, with

amendments, on May 24<sup>✓</sup>  
(2), 2003, by the following

vote: Yeas 30<sup>✓</sup>, Nays 0<sup>✓</sup>  
(3) (4)

\_\_\_\_\_  
Secretary of the Senate

RECEIVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of State

\*\*\*\* Preparation: CT20;



for chief clerk use only

Bill or Resolution Number: HJR 23

## JOINT AUTHOR AUTHORIZATION

As primary author of HJR 23 I hereby authorize the following joint author(s):  
(bill or resolution #)

Burt Solomon

printed name of joint author #1

B. L. [Signature]

signature of joint author #1

MAR 26 2003

\_\_\_\_\_  
printed name of joint author #2

\_\_\_\_\_  
signature of joint author #2

\_\_\_\_\_  
printed name of joint author #3

\_\_\_\_\_  
signature of joint author #3

\_\_\_\_\_  
printed name of joint author #4

\_\_\_\_\_  
signature of joint author #4

[Signature]

signature of primary author

3/23/03

date

H.J.R. No. 23

By Hackberg

proposing a constitutional amendment permitting refinancing of a home equity loan with a reverse mortgage.

JAN 06 2003 Filed with the Chief Clerk

FEB 10 2003 Read first time and referred to Committee on Financial Institutions

MAR 31 2003 Reported favorably ~~(unfavorably)~~  
~~(unfavorably)~~

APR 02 2003 Sent to Committee on Calendars

APR 09 2003 Read second time (~~original subst.~~) (~~amended~~) and adopted (~~passed to third reading~~) by a  
record vote of 145 yeas, 0 nays, 2 present, not voting

Read third time (~~amended~~) and finally adopted (~~failed of adoption~~) by a  
record vote of 145 yeas, 0 nays, 2 present, not voting

APR 09 2003 Engrossed

APR 10 2003 Sent to Senate

Robert Haney  
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 10 2003 Received from the House

APR 14 2003 Read and referred to Committee on BUSINESS AND COMMERCE

MAY 21 2003 Reported favorably \_\_\_\_\_

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 24 2003 Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(       yeas,        nays)

MAY 24 2003 Read second time, amended, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(       yeas,        nays)

MAY 24 2003 Senate and Constitutional 3 Day Rules suspended by a vote of 30 yeas, 0 nays

MAY 24 2003 Read third time, \_\_\_\_\_, and passed by 30 yeas, 0 nays

May 24, 2003 Returned to the House

OTHER SENATE ACTION:

Larry Spaul  
SECRETARY OF THE SENATE

MAY 24 2003

Returned from the Senate (~~as substituted~~)  
(with amendments)

MAY 26 2003

House concurred in Senate amendments by a (~~record vote~~)  
(record vote of 135 yeas, 8 nays, 3 present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,

Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;

Conference committee report adopted (rejected) by the House by a record vote of  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

Conference committee report adopted (rejected) by the Senate by a record vote of  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

100-11-00000  
MAY 26 2003  
HOUSE OF REPRESENTATIVES

100-11-00000  
MAY 26 2003  
HOUSE OF REPRESENTATIVES